

2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 -----x

5 JOHN COSENTINO, an Incapacitated Person,  
6 by and through his guardian, ANTHONY  
7 COSENTINO, and co-guardian, MARY ANN  
8 COSENTINO,

9 Plaintiffs,

10 -against-

11 THE STATE OF NEW YORK OFFICE OF MENTAL  
12 RETARDATION AND DEVELOPMENTAL  
13 DISABILITIES, et al.,

14 Defendants.

15 -----x

16 DEPOSITION of Peter Alexander

17 Uschakow, taken by the Plaintiffs, held at

18 the Office of the Attorney General Andrew M.

19 Cuomo, 120 Broadway, New York, New York

20 10271-0332, on October 30, 2007,

21 commencing at 10:13 a.m., before Michele

22 D. Lucchese, a Shorthand Reporter and

23 Notary Public within and for the State of New

24 York.

25

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3 A P P E A R A N C E S:

4 THE CATAFAGO LAW FIRM, P.C.

5 Attorney for Plaintiffs

6 350 Fifth Avenue

7 New York, New York 10118

8 BY: JACQUES CATAFAGO, ESQ.

9

10 STATE OF NEW YORK

11 OFFICE OF THE ATTORNEY GENERAL ANDREW M. CUOMO

12 LITIGATION BUREAU

13 120 Broadway

14 New York, New York 10271-0332

15 BY: RACHEL C. ANELLO,

16 Assistant Attorney General

17

18 STATE OF NEW YORK

19 OFFICE OF MENTAL RETARDATION AND

20 DEVELOPMENTAL DISABILITIES

21 75 Morton Street

22 New York, New York

23 BY: PATRICIA DELOREY PAWLOWSKI,

24 Assistant Counsel

25 (CONTINUED ON NEXT PAGE)

1                   Uschakow

2           A.     Did I?  No.

3           Q.     Do you know who they were?

4           A.     Do I know?

5           Q.     During that time period?

6           A.     No.

7           Q.     Do you know what their

8     qualifications or training were?

9           A.     I'm sure they passed the direct  
10    care test.

11          Q.     Do you know that for sure?

12          A.     Yes.

13                 MS. ANELLO:  Objection.

14          Q.     But you don't know who they are?

15                 MS. ANELLO:  This is outside the  
16    scope.

17                 MR. CATAFAGO:  Actually, I don't  
18    think it is.

19                 Can I have this series of  
20    documents marked as Exhibit 2; they  
21    were Bates stamped and produced by  
22    defendants as D1157 through D1161.

23                 (Plaintiff's Exhibit 2, documents  
24    Bates stamped D1157 through D1161,  
25    marked for identification, as of this

1                   Uschakow

2           Q.     I'm sorry, why don't you take a  
3     careful look at the purposes set forth on  
4     the first page of Exhibit 2, and tell me  
5     for the record which of those purposes do  
6     not apply to BDC in your tenure as  
7     director?

8           A.     These four bullets?

9           Q.     Yes, the four bullet on the first  
10    page of Exhibit 2.

11          A.     That apply to BDC or to my office  
12    specifically?

13          Q.     To your office specifically.

14          A.     These responsibilities are  
15    delegated from my office to other  
16    operational areas or other employees.

17          Q.     Who has the ultimate  
18    responsibility of ensuring that these  
19    purposes are satisfied and met?

20          A.     I, as the director, have ultimate  
21    responsibility.

22               MR. CATAFAGO: Let's have this  
23    document marked as Plaintiff's Exhibit  
24    3; it was produced and it is Bates  
25    stamped D1155 and 1156.